

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ORDER

Before the Court is the Motion to Strike Plaintiff's Amended Complaint, (ECF No. 24), filed by Defendants Federal Home Loan Mortgage Corporation and Mortgage Electronic Registration Systems, Inc. *Pro se* Plaintiff Philip Shum has failed to file a Response. For the reasons that follow, the Court GRANTS Defendants' Motion to Strike.

I. BACKGROUND

Plaintiff filed this lawsuit on April 25, 2014, in Clark County District Court. (Compl. at p.1, ECF No. 1-1). Defendants removed the case on June 17, 2014, citing this Court's jurisdiction pursuant to 12 U.S.C. § 1452(f). (Pet. for Rem. 2:16-20, ECF No. 1). The Complaint sets forth two causes of action against Defendants related to foreclosure proceedings that were initiated against Plaintiff's property.

Without requesting leave from the Court, Plaintiff filed an Amended Complaint on October 21, 2014. (ECF No. 18). On November 4, 2014, Defendants filed a Motion to Strike the Amended Complaint on the basis that it was untimely and filed without leave. (ECF No. 24). Pursuant to Local Rule 7-2(b) of the Local Rules of Practice of the United States District Court for the District of Nevada, Plaintiff had fourteen days after service

1 of the Motion to file a Response. Accordingly, Plaintiff had until November 21, 2014, to
2 respond to the Motion to Strike. Not only did Plaintiff fail to meet this deadline, Plaintiff
3 has failed to file any Response whatsoever.

4 **II. DISCUSSION**

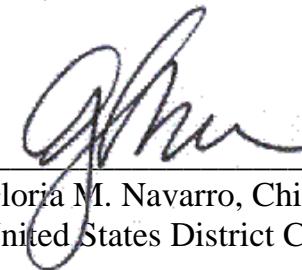
5 Local Rule 7-2(d) provides that “[t]he failure of an opposing party to file points
6 and authorities in response to any motion shall constitute a consent to the granting of the
7 motion.” D. Nev. R. 7-2(d). Here, Plaintiff failed to file a Response regarding
8 Defendants’ Motion to Strike, and therefore consented to the granting of the Motion.
9 Accordingly, the Court will grant the Motion and strike the Amended Complaint. The
10 original Complaint (ECF No. 1-1) shall therefore be regarded as the operative pleading in
11 this action.

12 **III. CONCLUSION**

13 **IT IS HEREBY ORDERED** that the Motion to Strike, (ECF No. 24), is
14 **GRANTED**.

15 **IT IS FURTHER ORDERED** that the Amended Complaint, (ECF No. 18), is
16 **STRICKEN** from the docket.

17 **DATED** this 12th day of December, 2014.

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Gloria M. Navarro, Chief Judge
United States District Court